

No. 81287-0

SUPREME COURT OF THE STATE OF WASHINGTON

LISA BROWN, Washington State Senator and Majority Leader of the
Washington State Senate,

Petitioner,

v.

BRAD OWEN, Lieutenant Governor of the State of Washington,

Respondent.

**MOTION FOR ACCELERATED REVIEW OF
PETITION AGAINST STATE OFFICER**

Thomas F. Ahearne, WSBA No. 14844
Hugh D. Spitzer, WSBA No. 5827
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I. IDENTITY OF MOVING PARTY

The moving party is petitioner Lisa Brown. This motion requests the relief designated in Part II below.

II. STATEMENT OF RELIEF SOUGHT

Petitioner seeks the disposition of the Petition Against State Officer in this case on an accelerated basis pursuant to RAP 18.12, 1.2(c) and 18.8. Petitioner respectfully requests that review be conducted on the following schedule:

Petition and Brief in Support Due	March 3, 2008
Brief of Respondent Due (via email)	March 6, 2008
Reply Brief of Petitioner (via email)	March 7, 2008
Oral Argument	March 10, 2008
Decision no later than	March 13, 2008 (last day of 2008 legislative session)

In the alternative, petitioner respectfully requests a ruling that this Court will retain this case to determine the Constitutional question raised, and sets a briefing and hearing schedule that allows the final termination of that decision before the next legislative session begins in January 2009.

III. FACTS & GROUNDS FOR RELIEF

RAP 18.12 authorizes this Court to set any review proceeding for accelerated disposition. RAP 1.2(c) authorizes this Court to alter the provisions of any of the Rules of Appellate Procedure to serve the ends of justice. RAP 18.8(a) authorizes this Court to shorten the time within

which an act must be done in a particular case to serve the ends of justice. Here, accelerated review would serve the ends of justice.

This case did not arise until Friday, February 29, when the Lieutenant Governor refused to allow Senate Bill 6931 to be forwarded on to the House as passed, even though it was passed by a majority in the Washington State Senate. To provide complete relief, this matter must be resolved before the end of the legislative session on March 13, 2008.

More fully, on Friday, February 29, Senate Bill 6931 passed by a majority vote in the Senate. That same day, the respondent state officer (the Lieutenant Governor) refused to allow Senate Bill 6931 to be forwarded to the House as passed because that bill had not passed by the 2/3 supermajority specified in RCW 43.135.035(1).

The 2008 legislative session ends on March 13, 2008. Accelerated review would serve the ends of justice because unless this matter is resolved by that March 13 date, complete relief cannot be granted.

In the alternative, this Court should retain this case to determine the Constitutional question raised, and set a briefing and hearing schedule that allows the final termination of that decision before the next legislative session begins in January 2009.

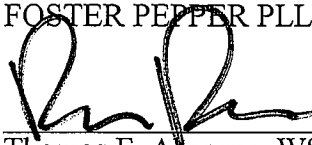
IV. CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court either (1) review this matter on the proposed accelerated basis, or (2) retain this case to determine the Constitutional question raised, and set

a briefing and hearing schedule that allows the final termination of that decision before the next legislative session begins in January 2009.

RESPECTFULLY SUBMITTED this 3rd day of March, 2008.

FOSTER PEPPER PLLC

A handwritten signature in black ink, appearing to be 'Th F Ahearne', written over a horizontal line.

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